COURT NO.2

HIGH COURT OF UTTARANCHAL AT NAINITAL.

First Appeal No. 227 of 2001
(Old No. 490 of 1999)

State of U.P. and another … Appellants.

Versus

Ashfaq Ahmad … Respondent.

Learned Standing Counsel for he appellants.
Mr. B.P.Nautiyal, Advocate, for the respondent.

Hon. P.C. Verma, J.
Hon. B.S. Verma, J.

Heard learned counsel for both the parties.

This appeal arises out of the judgment and award dated 9-6-1995, passed by the then II Additional District Judge, Dehradun in Land Acquisition Case No. 114 of 1979, Ashfaq Ahmad Vs. Collector Dehradun.

This appeal is time barred. The impugned Award is of the year 1995 and the appeal was filed in the year 1999 by the State against claimant-respondent Ashfaq Ahmed. Delay was not condoned. The respondent Ashfaq ahmad has died. No application for substitution was filed till 2001. Death of the respondent was within the knowledge of the appellants; but no steps for substitution has been taken therefore, the appeal is dismissed as abated.

10-08-2004 **(B.S.Verma, J.)** **(P.C. Verma, J.)**
RCP